

Serial No. 10/030,189
Response to Office Action of July 1, 2003

REMARKS

Claims 1 and 2 have been amended to provide separate definitions for L and $-Lp(D)_n$.

RESTRICTION REQUIREMENT

The Examiner has maintained and made FINAL her requirement that the application be restricted to compounds of formula (I) in which q is 2 (piperidiny1 compounds). Applicants have amended the claims accordingly. No amendment of the inventorship is believed to be required as a consequence.

CLAIM REJECTIONS - 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 4, 5, 34 and 35 stand rejected under 35 U.S.C. § 112, second paragraph.

It is respectfully submitted that this rejection may now be withdrawn in view of the amendments made in Claims 1 and 2 to separately define L and $-Lp(D)_n$.

OBVIOUSNESS-TYPE DOUBLE PATENTING

The claims all stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-16, 19-25, 29, 31-35 of U.S. patent application no. 2002/0151724 in view of US 6,262,069.

While not necessarily agreeing with the Examiner, Applicants note that the co-pending application has not yet been allowed, and respectfully submit that the present application can therefore be allowed. The undersigned has made a note to draw the co-pending application's Examiner's attention to the obviousness-type double patenting rejection made in this application.

Serial No. 10/030,189

Response to Office Action of July 1, 2003

CLAIM TO PRIORITY

Applicants have noted that the Examiner has not checked any of the boxes in the section "Priority under 35 U.S.C. §§ 119 and 120" in the form PTO-326. Applicants would be grateful if the Examiner could confirm that the certified copies of the priority documents have all been received from WIPO. The filing receipt for the application does acknowledge Applicant's claim to priority.

The undersigned understands, after speaking with a representative of WIPO in Geneva, that the Patent Office needs to request any missing certified copies of priority documents directly from them.

COMMUNICATION BY TELEPHONE

The undersigned's office is located in the United Kingdom, and hence the Examiner may have difficulty contacting him from the USPTO by telephone. If the Examiner wishes to speak with the undersigned by telephone, she can contact the undersigned by e-mail at martinahay@martin-a-hay.com, or leave a message with Linda McDonald of Eli Lilly and Company at (317) 433 7140. The undersigned will then telephone the Examiner.

Serial No. 10/030,189
Response to Office Action of July 1, 2003

CONCLUSION

Applicants have amended the claims in response to the Official Action, and respectfully submit that the application is now in order for allowance.

Respectfully submitted,



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